

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:21-cv-00370-M

WANDA MARIE ALLEN,

Plaintiff,

v.

CITY OF RALIEGH POLICE
DEPARTMENT,

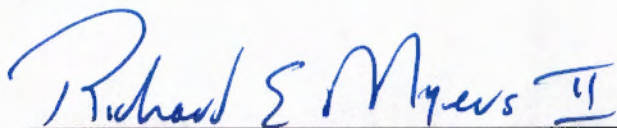
Defendant.

ORDER

This matter comes before the court on Plaintiff's *pro se* filing [DE 20]. Plaintiff appears to style this filing as a motion to dismiss. *See* Notice, Consent, and Reference of a Dispositive Motion to a Magistrate Judge at 1, DE 20 (stating "I request to dismiss this case without prejudice" beside the heading "Motions"). Under Rule 41(a), an action may be voluntarily dismissed by a plaintiff without order of the court at any time before service by the adverse party of an answer or a motion for summary judgment. *See* Fed. R. Civ. P. 41(a)(1)(i). Defendant has not filed an answer or motion for summary judgment.

Thus, the court reconstrues Plaintiff's filing at DE 20 as a notice of dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(i). By Plaintiff's filing, the action is DISMISSED WITHOUT PREJUDICE. The Clerk of Court is therefore directed to close this case. The court notes that Plaintiff's voluntary dismissal applies only to the above-captioned case and does not affect any other case she has filed before this or any other court.

SO ORDERED this 6th day of December, 2021.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE